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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 284 of 2007

Petitioner		Santosh Kumar Ratre, S/o. Late Phool Das Ratre, aged about 24 years, R/o. Village Duldula, Post Simga, Dist. Raipur, CG.
	Versus	
Respondents	1)	Chhattisgarh State Elecdtricity Board through the Secretary, Danganiya, Raipur, District. Raipur, CG.
	2)	Madhya Pradesh State Electricity Board, through the Secretary, Shakti Bhawan, Jabalpur, MP.
	3)	Union of India, through the Secretary, Ministry of Personal Public Grievances and Pension (State Re-Organisation Cell), Third Floor Lok Nayak Bhawan, Khan Market, New Delhi.

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:
Shri Rajesh Pandey, counsel for the petitioner
Shri A.S. Gaharwar, counsel for respondent No.1.
Shri S.K. Beriwal, counsel for respondent No.3.
None for respondent No.2

ORAL ORDER
(Passed on 26th April, 2007)

Learned counsel appearing for the petitioner submits that the father of the petitioner, while working as Attendant Grade II (L) at Arang, District Raipur, in the Electricity Department, died on 9-1-1999, in harness.

2. The father of the petitioner died on 9-1-99 and the petitioner applied for compassionate appointment on 17-1-2001. There is delay of

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8 years on the part of the petitioner in seeking compassionate appointment. The respondents are not taking any steps to grant appointment on compassionate basis to the petitioner. Being aggrieved, the petitioner has filed this petition on 5-1-2007

3. It is well settled that compassionate ground is not a method of recruitment, but is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. It is also well settled that mere death of the employee does not entitle his family to claim compassionate appointment if the family members could sustain themselves financially from other sources of income.

4. The Supreme Court in **State of J.&K and others Vs. Sajad Ahmed Mir, (2006) 5 SCC 766**, after having considered all the aspects of compassionate appointment, in para 11 observed as under:

> "11..... It is that such an appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, on appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is

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> proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

5. It is thus clear from the decision cited above that the petitioner cannot claim compassionate appointment as a right of inheritance.

6. Applying well settled principle of law to the facts of the present case, the father of the petitioner died on 9-1-1999, thereafter, the petitioner did not make an application for about two years and this petition was filed after about 8 years from the date of death of the father of the petitioner. Thus, family members of the deceased employee could sustain themselves from other source of income for such a long period, as such, granting of compassionate appointment, at this stage, would not be in consonance with the Article 14 of the Constitution.

7. For the reasons mentioned hereinabove, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju